

**MINUTES FROM THE
CITY OF IONIA
CITY COUNCIL
REGULAR MEETING
Tuesday, January 2, 2007
7:00 PM, CITY HALL COUNCIL CHAMBERS**

I. Mayor Balice called the meeting to order and led with the Pledge of Allegiance.

II. ROLL CALL – Present: Mayor Dan Balice, Councilmembers Gordon Kelley, Monica Miller, Kim Patrick, Bruce Roetman, Jim Smith, Jeff Winters, Brenda Cowling-Cronk and Bob O'Mara.

Others Present: Larry Harvey, Gary Cunningham, Lynn Lafler, Robin Marhofer, Dave Bulling, Chris Kenyon, Jason Eppler, and Matt Painter.

III. OPEN PUBLIC HEARING:

Amendment to City Code – Public Notification Requirement (Zoning) – Ordinance No. 443
Amendment to City Code – Abandoned Vehicles – Ordinance No. 444

IV. PUBLIC COMMENTS

V. MONITORING INFORMATION

Motion by Patrick and Supported by Roetman

1. Approve the minutes from the Regular City Council meeting of December 5, 2006.
2. Acknowledge the minutes from the DDA meeting of December 20, 2006.
3. Acknowledge the minutes from the Planning Commission meetings of December 13 and 21, 2006 (included with Action Item 1).
4. Approve the payroll for the pay period ending December 13, 2006 of \$126,611.46 and the pay period ending December 27, 2006 of \$117,583.97 and for longevity/sick time payroll of December 1, 2006 of \$89,065.77.
5. Acknowledge the Accounts Payable for the Ionia Theatre for December, 2006 in the amount of \$19,320.28.
6. Acknowledge the Accounts Payable for the DDA for December, 2006 in the amount of \$130,322.90.
7. Approve the Accounts Payable for the City of Ionia for December, 2006 in the amount of \$758,466.07.

ROLL CALL VOTE: Ayes: Smith, Winters, Kelley, Miller, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara. Nays: None. Motion Carried.

VI. CLOSE PUBLIC HEARING:

Amendment to City Code – Public Notification Requirement (Zoning) – Ordinance No. 443
Amendment to City Code – Abandoned Vehicles – Ordinance No. 444

VII. ACTION ITEMS

1. City Code Amendment – Outdoor Boilers – Ordinance No. 442

Motion by Kelley and Supported by Balice to permit the minutes of the January 2, 2007 City Council meeting to reflect the introduction and first reading of Ordinance No. 442, an amendment to the City Code prohibiting the placement of outdoor boilers in the City and schedule a Public Hearing on the amendment for Tuesday, February 6, 2007.

ROLL CALL VOTE: Ayes: Winters, Kelley, Miller, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith. Nays: None. Motion Carried.

2. City Code Amendment – Public Notification Requirements (Zoning) – Ordinance No. 443

Motion by Kelley and Supported by Patrick to remove from the table the matter of Ordinance No. 443 and permit the record of the January 2, 2007 Council meeting to reflect the second reading and adoption of the ordinance to become effective seven days after publication in the January 7, 2007 edition of the Sentinel-Standard Weekender.

**CITY OF IONIA
Ordinance No. 443**

AN ORDINANCE TO AMEND SECTIONS 1230.01, 1244.07, 1266.05, 1274.03 and 1276.05 OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA

THE CITY OF IONIA ORDAINS

Section 1230.01 CONSTRUCTION OF STREETS AND UTILITIES is amended to read as follows:

1230.01 CONSTRUCTION OF STREETS AND UTILITIES.

Construction of streets and utilities shall be in accordance with the Municipal Standards for the City of Ionia, Ionia County, Michigan, the ~~January 1998~~ July 2006 edition, copies of which may be obtained, at cost, ~~from the City Clerk at City Hall.~~

Section 1240.07 AMENDMENTS is amended to read as follows:

1240.07 AMENDMENTS.

The City Council may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement, rezone or change the district boundaries or the regulations herein, or subsequently established herein, pursuant to authority and procedure ~~established in Act 207 of the Public Acts of 1921, as amended established by the Michigan Zoning Enabling Act, PA 110 of 2006.~~

In instances that involve the rezoning of a property (or properties) or the changing of the district boundaries, regardless if by petition or initiation by the City, the public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and the other provisions of this Section with regard to public notification.

(a) Responsibility for Public Notice. The City Clerk, or his or her designee, shall be responsible for preparing the content of the public notice, having it published and mailed or delivered as provided in this Section.

(b) Notice Requirements. Notice of a public hearing for an administrative review, variance, exceptions and special approvals shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows:

(1) Newspaper Notice. The notice shall be published in a newspaper that circulates in the City.

(2) Mail and Personal Notice. The notice shall be sent by first class mail or personal delivery to:

- A. The owner of property for which approval is being considered, and the applicant, if different than the owner of the property.
- B. Sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject of the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the municipal boundaries of the City. If the name of the occupant is not known, the term "occupant" may be used in making notifications. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at a primary entrance to the structure.
- C. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to this Section.

(c) Record of Mailing. The City Clerk, or his or her designee, shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.

(d) Content of Notice. The public notice shall:

- (1) Describe the nature of the request.
- (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist for the property. If there are no street addresses, other means of identified may be used, such as a tax parcel identification number, identifying the nearest cross streets, or including a map showing the location of the property.
- (3) Indicate the date, time and place of the public hearing.
- (4) Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

(e) Registration to Receive Notice by Mail. Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of any public hearing held pursuant to Part Twelve, Planning and Zoning, of the City Code.

Section 1244.07 NOTICE is retitled PUBLIC NOTICE REQUIREMENTS and is amended to read as follows:

1244.07 PUBLIC NOTICE REQUIREMENTS.

The Board of Zoning Appeals shall make no recommendation except in a specific case and after a public hearing conducted by the Board. ~~It shall, by general rule or in specific cases, determine the interested parties who,~~

~~in the opinion of the Board, may be affected by any matter brought before it, which shall in all cases include all owners of record of property within 300 feet of the premises in question, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe. The public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and the other provisions of this Section with regard to public notification.~~

(a) Responsibility for Public Notice. The City Clerk, or his or her designee, shall be responsible for preparing the content of the public notice, having it published and mailed or delivered as provided in this Section.

(b) Notice Requirements. Notice of a public hearing for an administrative review, variance, exceptions and special approvals shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows:

(1) Newspaper Notice. The notice shall be published in a newspaper that circulates in the City.

(2) Mail and Personal Notice. The notice shall be sent by first class mail or personal delivery to:

D. The owner of property for which approval is being considered, and the applicant, if different than the owner of the property.

E. Sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject of the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the municipal boundaries of the City. If the name of the occupant is not known, the term "occupant" may be used in making notifications. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at a primary entrance to the structure.

F. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to this Section.

(c) Record of Mailing. The City Clerk, or his or her designee, shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.

(d) Content of Notice. The public notice shall:

(1) Describe the nature of the request.

(2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist for the property. If there are no street addresses, other means of identified may be used, such as a tax parcel identification number, identifying the nearest cross streets, or including a map showing the location of the property.

(3) Indicate the date, time and place of the public hearing.

(4) Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

(e) Registration to Receive Notice by Mail. Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of any public hearing held pursuant to Part Twelve, Planning and Zoning, of the City Code.

Section 1266.05 APPLICATION AND PROCESSING PROCEDURES is amended to read as follows:

1266.05 APPLICATION AND PROCESSING PROCEDURES.

~~(f) Public Hearing on Final Development Plan. The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning in accordance with the plan. The giving of public notice for the public hearing and the convening of the hearing shall proceed in the same manner and in accordance with all of the requirements of a public hearing by the Planning Commission for a rezoning of lands within the City as set forth in the City and Village Zoning Act and this Zoning Code. Notice for such hearing shall therefore include on publication of notice in a newspaper of general circulation within the City and the mailing and personal delivery of notice of the hearing to all persons to whom any real property is assessed within 300 feet of the lands included in the PUD.~~

~~The notice of publication shall be published not less than fifteen days prior to the public hearing. The notice of public hearing given to persons to whom any real property is assessed within 300 feet of any lands in the PUD shall be mailed or delivered personally at the address given in the last tax assessment roll at least eight days prior to~~

~~the date of the public hearing. All other notices and other matters pertaining to the public hearing shall comply with all requirements for a rezoning hearing as set forth in the City and Village Zoning Act and this Zoning Code. The public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and the other provisions of this Section with regard to public notification.~~

- ~~(1) Responsibility for Public Notice. The City Clerk, or his or her designee, shall be responsible for preparing the content of the public notice, having it published and mailed or delivered as provided in this Section.~~
- ~~(2) Notice Requirements. Notice of a public hearing on the final development plan and the application for rezoning in accordance with the plan shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows:
 - ~~A. Newspaper Notice. The notice shall be published in a newspaper that circulates in the City.~~
 - ~~B. Mail and Personal Notice. The notice shall be sent by first class mail or personal delivery to:
 - ~~1. The owner of property for which approval is being considered, and the applicant, if different than the owner of the property.~~
 - ~~2. Sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject of the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the municipal boundaries of the City. If the name of the occupant is not known, the term "occupant" may be used in making notifications. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at a primary entrance to the structure.~~
 - ~~3. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to this Section.~~~~~~
- ~~(3) Record of Mailing. The City Clerk, or his or her designee, shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.~~
- ~~(4) Content of Notice. The public notice shall:
 - ~~A. Describe the nature of the request.~~
 - ~~B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist for the property. If there are no street addresses, other means of identified may be used, such as a tax parcel identification number, identifying the nearest cross streets, or including a map showing the location of the property.~~
 - ~~C. Indicate the date, time and place of the public hearing.~~
 - ~~D. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.~~~~
- ~~(5) Registration to Receive Notice by Mail. Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of any public hearing held pursuant to Part Twelve, Planning and Zoning, of the City Code.~~

Section 1274.03 SPECIAL LAND USE PROCEDURE is amended to read as follows:

1274.03 SPECIAL LAND USE PROCEDURE

~~(d) Upon receipt of an application for a special land use a public hearing shall be held. one notice that a public hearing will be held on the application shall be published in a newspaper which circulates in the City, and sent by mail or personal delivery to the owners of property for which approval is sought, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupancy of all structures within 300 feet. The notice shall be given not less than five nor more than fifteen days before the date of the public hearing.~~

~~———If the name of the occupant is known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.~~

~~_____ In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.~~

~~_____ The notice shall:~~

- ~~(1) Describe the nature of the special land use request.~~
- ~~(2) Indicate the property which is the subject of the special exception request.~~
- ~~(3) State when and where the public hearing will be held.~~
- ~~(4) Indicate when and where written comments will be received concerning the request.~~

The public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and the other provisions of this Section with regard to public notification.

(1) Responsibility for Public Notice. The City Clerk, or his or her designee, shall be responsible for preparing the content of the public notice, having it published and mailed or delivered as provided in this Section.

(2) Notice Requirements. Notice of a public hearing for a special land use shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows:

- A. Newspaper Notice. The notice shall be published in a newspaper that circulates in the City.
- B. Mail and Personal Notice. The notice shall be sent by first class mail or personal delivery to:
 1. The owner of property for which approval is being considered, and the applicant, if different than the owner of the property.
 2. Sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject of the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the municipal boundaries of the City. If the name of the occupant is not known, the term "occupant" may be used in making notifications. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at a primary entrance to the structure.
 3. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to this Section.

(3) Record of Mailing. The City Clerk, or his or her designee, shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.

(4) Content of Notice. The public notice shall:

- A. Describe the nature of the request.
- B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist for the property. If there are no street addresses, other means of identified may be used, such as a tax parcel identification number, identifying the nearest cross streets, or including a map showing the location of the property.
- C. Indicate the date, time and place of the public hearing.
- D. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

(5) Registration to Receive Notice by Mail. Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of any public hearing held pursuant to Part Twelve, Planning and Zoning, of the City Code.

Section 1276.05 SITE PLAN REVIEW is amended to read as follows:

1276.05 SITE PLAN REVIEW.

(b) A public hearing shall be held for each site plan considered by the Planning Commission. ~~For such hearing, at least ten days notice shall be given by ordinary mail, sent to the owners of the lands within 300 feet of the land being considered for site plan review. The names of the landowners shall be taken from the current City tax assessment rolls. The public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and the other provisions of this Section with regard to public notification.~~

(1) Responsibility for Public Notice. The City Clerk, or his or her designee, shall be responsible for preparing the content of the public notice, having it published and mailed or delivered as provided in this Section.

(2) Notice Requirements. Notice of a public hearing for site plan review shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows:

A, Newspaper Notice. The notice shall be published in a newspaper that circulates in the City.

B, Mail and Personal Notice. The notice shall be sent by first class mail or personal delivery to:

1. The owner of property for which approval is being considered, and the applicant, if different than the owner of the property.
2. Sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject of the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the municipal boundaries of the City. If the name of the occupant is not known, the term "occupant" may be used in making notifications. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at a primary entrance to the structure.
3. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to this Section.

(3) Record of Mailing. The City Clerk, or his or her designee, shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.

(4) Content of Notice. The public notice shall:

A. Describe the nature of the request.

B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist for the property. If there are no street addresses, other means of identified may be used, such as a tax parcel identification number, identifying the nearest cross streets, or including a map showing the location of the property.

C. Indicate the date, time and place of the public hearing.

D. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

(5) Registration to Receive Notice by Mail. Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of any public hearing held pursuant to Part Twelve, Planning and Zoning, of the City Code.

ROLL CALL VOTE: Ayes: Kelley, Miller, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters. Nays: None. Motion Carried.

3. City Code Amendment – Abandoned Vehicles – Ordinance No. 444

Motion by Balice and Supported by Patrick to remove from the table the matter of Ordinance No. 444 and permit the record of the January 2, 2007 Council meeting to reflect the second reading and adoption of the ordinance to become effective upon publication in the January 7, 2007 edition of the *Sentinel-Standard Weekender*.

CITY OF IONIA Ordinance No. 444

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF IONIA BY AMENDING SECTIONS 650.03, 676.02 AND 676.05 AND ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 676.04 OF CHAPTER 676 OF PART SIX OF SAID CODIFIED ORDINANCES

THE CITY OF IONIA ORDAINS:

Sec. 650.03 CURFEW, Subsection (c) shall be amended to read as follows:

(c) Minors Under Seventeen. No minor child under the age of seventeen years old shall loiter, idle or congregate in or on any public street, highway, alley, park or other public place between the hours of 12:00 p.m. midnight and 6:00 a.m., except where the minor is accompanied by a parent or guardian, or some adult person over

the age of twenty-one years delegated by the parent or guardian to accompany said minor child, or where the minor is upon an errand or other legitimate business directed by his or her parent or guardian.

Sec. 676.02 BLIGHT. Subsection (b)(1) shall be amended to read as follows:

(1) In any area, except where specifically permitted, the storage upon any property of ~~junk automobiles, junk motor driven vehicles,~~ trailers in disrepair, contractor's equipment in disrepair or boat hulls in disrepair, except in a completely enclosed building. For the purpose of this section, the term "~~junk automobiles, junk motor driven vehicles,~~ trailers in disrepair, contractor's equipment in disrepair or boat hulls in disrepair" shall mean such ~~vehicles,~~ trailers, equipment or boats as are inoperable or partially dismantled. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause. "Partially dismantled" means a part which is ordinarily a component has been removed or is missing.

Sec. 676.04 ABANDONED MOTOR VEHICLES.

(a) Declaration of Nuisance. No person shall store, maintain, keep, or authorize or permit the storage, maintenance, or keeping of any abandoned or junk motor vehicle on any private property under his ownership, tenancy or control. Any motor vehicle which, for a period of 10 consecutive days or more does not have an engine in running condition, four inflated tires, a battery, and current license plates **and is otherwise legally roadworthy (ie. operational lights and turn signals, windshield, etc),** or which is in fact abandoned by its owner, or which for any reason is not operable and is not repairable, shall be deemed to be abandoned or a junk motor vehicle under this section.

This section shall not be deemed to prohibit the storage of such motor vehicles within a fully enclosed building or by a licensed junk dealer. Nor shall it be a violation for a new or used automobile dealer or licensed commercial garage or repair shop to store disabled vehicles upon premises which conform to all applicable zoning ordinances.

(b) Enforcement. This section shall be enforced under the direction of the Public Safety Director. The Public Safety Department shall have the same authority to impound abandoned or junk motor vehicles prohibited herein as provided for vehicles abandoned on the public streets under applicable law. Notwithstanding any provision to the contrary herein, the Director of Public Safety, upon written application, may exempt from the provisions of this ordinance for any reasonable period of time, any historic or classic vehicle, any vehicle in the process of restoration or repair, or any vehicle which by reason of special circumstances is deemed by the Director not to be a junk or abandoned motor vehicle.

(c) Abandoned Vehicle Procedures.

- (1) As used in this section, "abandoned vehicle" means a vehicle which has remained on public property or private property for a period of 48 hours after the Public Safety Department has affixed written notice to the vehicle.
- (2) If a vehicle has remained on public or private property for a period of time so that it appears to the Public Safety Department to be abandoned, the Department shall do all of the following:
 - a. Determine if the vehicle has been reported stolen.
 - b. Affix a written notice to the vehicle. The written notice shall contain the following information:
 - (i) The date and time the notice was affixed.
 - (ii) The name and badge number of the Public Safety Department officer affixing the notice.
 - (iii) The date and time the vehicle may be taken into custody and stored at the owner's expense until disposition through procedures set forth in MCL 257.252.
 - (iv) The year, make, and vehicle identification number of the vehicle, if available.
- (3) If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle is deemed abandoned and the Public Safety Department may have the vehicle taken into custody.
- (4) Once a vehicle has been taken into custody, the owner may reclaim the vehicle by obtaining a release from the Public Safety Department after showing that the vehicle has proper registration and insurance. Upon doing so, the owner can reclaim the vehicle from the custodian after paying all accrued charges from the custodian.
- (5) Once a vehicle has been taken into custody, the vehicle will be immediately entered into LEIN (Law Enforcement Information Network) as abandoned and procedures set forth in MCL 257.252 will be followed as it pertains to abandoned vehicles.

Sec. 676.04 5 PUBLIC NUISANCES. This Section shall be renumbered as Sec. 676.05.

Sec. 676.05 6 PROPERTY MAINTENANCE. This Section shall be renumbered as Sec. 676.06.

(a) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Building" shall mean any house, garage, duplex, apartment, condominium, stock cooperative, or other residential structure.
- (2) "City" shall mean the City of Ionia.
- (3) "City Manager" shall mean the City Manager or his or her designee.
- ~~(3)~~ (4) "City Superintendent" shall mean the City ~~Superintendent~~ Manager or his or her designee.
- (5) "Community Development Director" shall mean the individual employed by the City responsible for the enforcement of zoning and property maintenance related ordinances.
- ~~(4)~~ (6) "Owner" shall mean any person owning property, as shown on the last ~~equalized~~ assessment roll for City taxes or the lessee, tenant or other person having control or possession of the property.
- ~~(5)~~ (7) "Person" shall mean any individual, partnership, corporation, association or other organization, however formed.
- ~~(6)~~ (8) "Property" shall mean all ~~non-residentially zoned real property, and all residential real property, including, but not limited to, front yards, side yards, back yards, driveways, walkways and sidewalks and shall include any building located on such property.~~

(b) Unlawful Property Nuisance. It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the City to maintain or allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by any other provision of law:

- (11) ~~Mobile homes, recreational vehicles, utility trailers and vehicles, boats, farm vehicles, unmounted camper tops, equipment, cars, trucks, commercial, or other vehicles. Parking or storing operational mobile homes, recreational vehicles, utility trailers and vehicles, boats, farm vehicles, unmounted camper tops, cars, trucks, snowmobiles or other vehicles in the front yard of a property other than in the driveway of the property.~~

(d) Abatement Procedure.

- (1) Notification of nuisance. Whenever the ~~City Superintendent~~ Community Development Director determines that any property within the City is being maintained contrary to one or more of the provisions of division (b) of this section, he or she shall give written notice ("Notice of Abate") to the owner of said property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event less than seven calendar days, for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with the provisions of division (d)(3) of this section covering service in person or by mail.

ROLL CALLVOTE: Ayes: Miller, Balice, Patrtick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters. Nays: Kelley. Motion Carried.

4. Design/Construction Engineering – 2008 Mill Street Improvement Project

Motion by O'Mara and Supported by Roetman to accept the proposal submitted by Capital Consultants for completing design and construction engineering services associated with the 2008 Mill Street Improvement Project per their proposal dated December 12, 2006 and authorize the City Manager to sign the necessary contract documents.

ROLL CALL VOTE: Ayes: Balice, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Miller. Nays: None. Motion Carried.

5. Annual Application for State Funding – Dial-A-Ride

Motion by Miller and Supported by Patrick to adopt a prepared Resolution expressing the City's intent to receive financial assistance for its Dial-A-Ride service through Public Act 51 of 1951, as amended, through the State of Michigan.

**CITY OF IONIA
CITY COUNCIL
RESOLUTION**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF IONIA EXPRESSING INTENT TO APPLY FOR FINANCIAL ASSISTANCE FOR FISCAL YEAR 2008 UNDER ACT 51 OF THE PUBLIC ACTS OF 1951, AS AMENDED

- WHEREAS,** pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for the City of Ionia, established under Act 279, to provide a local transportation program for the state fiscal year of 2008 and, therefore, apply for state financial assistance under provisions of Act 51; and,
- WHEREAS,** it is necessary for the City of Ionia to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and,
- WHEREAS,** it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and,
- WHEREAS,** the performance indicators for this agency have been reviewed and approved by the City of Ionia; and,
- WHEREAS,** the City Council of the City of Ionia has reviewed and approved the proposed balanced budget with sources of estimated federal funds \$81,038, estimated state funds \$210,698, estimated local funds of \$84,500, estimated fare box of \$72,000, estimated other funds \$96,014 with total estimated expenses of \$543,750 and total estimated ineligible expenses of \$3,500 for Fiscal Year 2008.

NOW THEREFORE, BE IT RESOLVED that the City of Ionia does hereby make its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51

BE IT FURTHER RESOLVED that the City Council hereby appoints Jason Eppler, City Manager, as the Transportation Coordinator for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51 for 2008.

ROLL CALL VOTE: Ayes: Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Miller, Balice. Nays: None. Motion Carried.

6. Appointments

Motion by Balice and Supported by Miller to confirm the Mayor's following appointments/reappointment:

- Reappoint** Bruce Roetman to the Housing Commission for a term to expire December 31, 2011. Bruce has served on the Housing Commission since 2002.
- Appoint** Ted Paton, 128 West Lytle Street, to the Planning Commission for a term to expire December 31, 2008.
- Appoint** Warren Wentworth, 619 West Washington Street, for a term that expires December 31, 2007.
- Appoint** Bruce Roetman, 409 King Street, for a term that expires December 31, 2008.
- Appoint** Trevor Tooker, 940 Southview Drive, for a term that expires December 31, 2009.
- Appoint** Paul Senita (alternate), 919 Southview Drive, for a term that expires December 31, 2009.

ROLL CALL VOTE: All in favor via voice vote.

7. Michigan Emergency Management Assistance Compact – MEMAC

Motion by Balice and Supported by Winters to adopt a prepared Resolution approving the Michigan Emergency Management Assistance Compact; authorize the Mayor and Clerk to sign the Compact on behalf of the City and acknowledge that by approving the Compact the City Council is granting blanket authority to the Mayor to provide emergency assistance outside of the City pursuant to MEMAC when he or she so determines it necessary.

**CITY OF IONIA
CITY COUNCIL**

RESOLUTION

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF IONIA ADOPTING THE MICHIGAN EMERGENCY MANAGEMENT ASSISTANCE COMPACT

- WHEREAS,** the State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended MCL 30.401 et.seq. authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and,

WHEREAS, the statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and,

WHEREAS, this Resolution authorizes the request, provision and receipt of inter-jurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended, among political subdivisions within the State.

NOW, THEREFORE, BE IT RESOLVED that in order to maximize the prompt, full and effective use of resources of all governments in the event of any emergency or natural disaster the City Council of the City of Ionia hereby adopts the Michigan Emergency Management Assistance Compact dated October 8, 2004.

ROLL CALL VOTE: Ayes: Roetman, Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Miller, Balice, Patrick. Nays: None. Motion Carried.

8. Permission to Sell Aerial Truck

Motion by Roetman and Supported by Cowling-Cronk to declare the 1981 GMC Aerial Truck as surplus property and authorize the City Manager to sell the truck through competitive sealed bids with a minimum asking price of \$7,000.

ROLL CALL VOTE: Ayes: Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Miller, Balice, Patrick, Roetman. Nays: None. Motion Carried.

9. Permission to Purchase Patrol Vehicles

Motion by Patrick and Supported by Winters to authorize the City Manager to purchase two 2007 Ford Crown Victoria Interceptors from Signature Ford, Perry Michigan at a cost not to exceed \$41,772 and to spend up to \$14,000 to equip the new patrol vehicles including the purchasing of two digital recording systems from Digital Ally.

ROLL CALL VOTE: Ayes: O'Mara, Smith, Winters, Kelley, Miller, Balice, Patrick, Roetman, Cowling-Cronk. Nays: None. Motion Carried.

10. Permission to Purchase Used Leaf Sweeper/Loader

Motion by Smith and Supported by Patrick to authorize the City Manager to purchase a 1992 Sweepster 710 leaf sweeper/loader from Coulter Inc., North Branch, Michigan at a cost not to exceed \$7,000.

ROLL CALL VOTE: Ayes: Smith, Winters, Kelley, Miller, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara. Nays: None. Motion Carried.

11. Free Fair Land Transfer

Motion by Kelley and Supported by Patrick to approve the purchase of a parcel of property from the Ionia Free Fair Association for future wastewater plant expansion in exchange for the forgiveness of the Free Fair's outstanding water and sewer charges through December 21, 2006 totaling \$15,127.86.

ROLL CALL VOTE: Ayes: Winters, Kelley, Miller, Patrick, Roetman, Cowling-Cronk, O'Mara. Abstain: Balice, Smith. Nays: None. Motion Carried.

12. City Code Amendment - Board of Zoning Appeals - 445

Motion by Patrick and Supported by Kelley to permit the minutes of the January 2, 2007 City Council meeting to reflect the introduction and first reading of Ordinance No. 445, an amendment to the City Code regarding the Board of Zoning Appeals and schedule a Public Hearing on the amendment for Tuesday, February 6, 2007.

ROLL CALL VOTE: Ayes: Kelley, Miller, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters. Nays: None. Motion Carried.

VIII. INCIDENTAL INFORMATION

In regards to the Councilmembers to approve the accounts payable, the City Manager will be sending an email to the board members with the 2007 schedule

IX. INFORMATION OR ACTION ON LEGAL MATTERS – Nothing to report

X. INFORMATION FROM MAYOR AND CITY COUNCIL

Mayor: Stated that things are running well for the City of Ionia, even though it's a tough time for the State of Michigan. All the departments heads are doing a good job with their budget and that the City is in better shape than a lot of other cities in the State.

Roetman: Thanked Chief Bulling for participating in a t-shirt swap and informed the Council that his firm intends to place a bid for the theatre renovations.

Patrick: Echoed the Mayor's statements about the City's and State's financial issues.

Kelley: Mentioned some concern with Councilmembers mind set regarding the outdoor boilers. Felt that minds were made up without the Planning Commissions input. This led to discussion among various members with Kelley.

XI. ADJOURN

Motion by Patrick and Supported by Miller to adjourn the meeting at 8:55 p.m. All in favor via voice vote.

Submitted by:

Karen M. Confer
City Clerk